

Serial No.: 09/805,368

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REMARKS

During a review of this application file while preparing a response to an outstanding Office Action in a related co-pending application (Serial No. 09/805,590), and pursuant to discussions with representatives of the current assignee of record (Color Kinetics, Inc.), the undersigned noted that the priority claim references listed in the "Cross Reference to Related Applications" section of the application as filed were incomplete. In particular, a number of non-provisional and provisional applications to which the listed references similarly are entitled a benefit were omitted inadvertently from the listed references. Accordingly, in this Substitute Preliminary Amendment, these inadvertently omitted references now are included in the priority claim.

Prior to the filing of this Substitute Preliminary Amendment, Applicants previously filed on October 7, 2002 with the Office of Petitions a Petition Under 37 CFR 1.78(a)(3) for Acceptance of an Unintentionally Delayed Claim for Priority Under 35 U.S.C. §120, a Preliminary Amendment, the required surcharge, and a statement that the entire delay between the date the claim was due and the date the claim was filed was unintentional. A notice dated February 13, 2003 from the Office of Petitions dismissed the Petition for alleged inadequacies in the priority claim as presented in the Preliminary Amendment. Following a subsequent telephone conversation with Lead Petitions Examiner Frances Hicks, Applicants submit this Substitute Preliminary Amendment to replace the originally filed Preliminary Amendment. In this substitute amendment, Applicants have adopted Examiner Hicks' suggestions to address the issues noted with the priority claim.

Favorable consideration is requested.

Respectfully submitted
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Version With Markings to Show Changes Made
IN THE SPECIFICATION

The paragraphs beginning on line 3 of page 1 have been amended as follows:

This application claims the benefit [of, and incorporates by reference], under 35 U.S.C. §119(e), of the entire disclosure of the following [pending] United States provisional patent applications (each of which is incorporated herein by reference):

U.S. Provisional Patent App. No. 60/199,333, filed April 24, 2000; and

U.S. Provisional Patent App. No. 60/211,417, filed June 14, 2000.

This application [is] also claims the benefit as a continuation-in-part of[, claims priority to, and incorporates by reference the entire disclosure of] the following [pending] United States patent applications:

U.S. Patent App. No. 09/215,624, filed Dec. 17, 1998, which is incorporated herein by reference and which claims the benefit of the following provisional applications:

Serial No. 60/071,281, filed December 17, 1997, entitled "Digitally Controlled Light Emitting Diodes Systems and Methods";

Serial No. 60/068,792, filed December 24, 1997, entitled "Multi-Color Intelligent Lighting";

Serial No. 60/078,861, filed March 20, 1998, entitled "Digital Lighting Systems";

Serial No. 60/079,285, filed March 25, 1998, entitled "System and Method for Controlled Illumination"; and

Serial No. 60/090,920, filed June 26, 1998, entitled "Methods for Software Driven Generation of Multiple Simultaneous High Speed Pulse Width Modulated Signals";

U.S. Patent App. No. 09/213,607, filed Dec. 17, 1998;

U.S. Patent App. No. 09/213,189, filed Dec. 17, 1998, now U.S. Patent No. 6,459,919, issued October 1, 2002;

U.S. Patent App. No. 09/213,581, filed Dec. 17, 1998;

U.S. Patent App. No. 09/213,540, filed Dec. 17, 1998;

U.S. Patent App. No. 09/333,739, filed Jun. 15, 1999, which is incorporated herein by reference;

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U.S. Patent App. No. 09/344,699, filed Jun. 25, 1999, which is incorporated herein by reference;

U.S. Patent App. No. 09/626,905, filed Jul. 27, 2000, now U.S. Patent No. 6,340,868;

U.S. Patent App. No. 09/669,121, filed Sept. 25, 2000, which is incorporated herein by reference and which is a continuation (CON) of U.S. Patent App. No. 09/425,770, filed October 22, 1999, now U.S. Patent No. 6,150,774, issued November 21, 2000, which is a continuation (CON) of U.S. Patent App. No. 08/920,156, filed August 26, 1997, now U.S. Patent No. 6,016,038, issued January 18, 2000; [and]

U.S. Patent App. No. 09/742,017, filed December 20, 2000, which is a continuation (CON) of U.S. Patent App. No. 09/213,548, filed Dec. 17, 1998, now U.S. Patent No. 6,166,496, issued December 26, 2000;

U.S. Patent App. No. 09/213,537, filed Dec. 17, 1998, now U.S. Patent No. 6,292,901, issued September 18, 2001; and

U.S. Patent App. No. 09/213,659, filed Dec. 17, 1998, now U.S. Patent No. 6,211,626, issued April 3, 2001.